

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED

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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Eric Babos,	:	Case No. 3:09CV0908
	:	
Petitioner	:	Judge Jack Zouhary
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Robert Welch, Warden,	:	MEMORANDUM OPINION
	:	AND ORDER
Respondent	:	

On September 24, 2009 petitioner filed a "Motion To Compel Warden To File Complete Record" (Doc. #10) and a related "Motion for 30-Day Enlargement Of Time to File Traverse" (Doc. #9).

This Court, by inadvertence issued a Report and Recommendation on October 1, 2009, before the time provided under the Local rules for respondent to respond to those motions had elapsed and without ruling upon the motions, which this Court recognizes was inappropriate.

Therefore, this Court now withdraws the Report and Recommendation, and will grant respondent to November 23, 2009 to respond to these motions.

Further, now being aware that Judge Zouhary's show cause order has provisions for tendering a traverse and a response thereto, petitioner will be afforded the opportunity to file a traverse, with a response thereto by respondent, before a final version of a Report and Recommendation is issued by this Court.

IT IS SO ORDERED.



DAVID S. PERELMAN
United States Magistrate Judge

DATE: October 14, 2009